

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GUETATCHEW FIKROU,

Plaintiff(s),

vs.

MONTGOMERY COUNTY OFFICE OF CHILD  
SUPPORT ENFORCEMENT DIVISION, et al.,

Defendant(s).

Case No. 2:15-cv-01297-GMN-NJK

ORDER

(Docket No. 34)

Pending before the Court is a joint motion to stay discovery pending resolution of various motions to dismiss. Docket No. 34; *see also* Docket Nos. 5, 15, 22 (motions to dismiss). Plaintiff filed a response in opposition, and Defendants filed a reply. Docket Nos. 41, 44. The Court finds the motion properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to stay discovery is hereby **GRANTED**.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the

merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).<sup>1</sup>

Having reviewed the underlying motions to dismiss, the Court finds that these elements are present in this case and **GRANTS** the motion to stay discovery. If the motions to dismiss are not granted in full, the parties shall file a proposed discovery plan within seven days of the issuance of the order resolving the motions to dismiss.

IT IS SO ORDERED.

DATED: October 6, 2015

  
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NANCY J. KOPPE  
United States Magistrate Judge

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<sup>1</sup> Conducting this preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*